



## **LICENSING ACT 2003**

### **Application for a New Premises Licence**

### **Decision Record**

<b>APPLICANT:</b>	Mr Taylor Batey
<b>PREMISES:</b>	No. 88 Union Street, Farnborough
<b>DATE OF HEARING:</b>	20th May, 2021
<b>MEMBERS SITTING:</b>	Cllrs Christine Guinness, Prabesh KC and Jacqui Vosper (Chairman)

## DECISION

To grant the licence, subject to:

- Conditions consistent with the operating schedule, including those agreed with the Licensing Officer prior to the hearing and additional conditions agreed at the hearing and set out below; and
- The mandatory conditions imposed by the Licensing Act 2003.

The Sub-Committee considered that, on a balance of probabilities, these were necessary for the promotion of the licensing objectives, namely the prevention of public nuisance.

## REASONS

In coming to its decision, the Sub-Committee took into account:

- The Licensing Act Section 35, which states that it must take such steps it considers necessary for the promotion of the Licensing Objectives;
- The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003, particularly
  - Paragraph 1.17 which advises that each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy;
  - Paragraph 8.1 – 8.19 which outlines the requirements for a premises licence;
  - Paragraph 9.42 – 9.44 which states that all licensing decisions should be considered on a case by case basis and should take into account any representations or objections which have been received, and any representations made by the applicant;
- Rushmoor Borough Council's statement of Licensing Policy and Guidance version 2 2018, particularly
  - the Relevant Considerations relating to Alcohol Management outlined in Annex C on page 83;
  - Paragraph 3.22 which covers Other Relevant Considerations in relation to the impact of licensing hours; and

- All the written representations and oral evidence presented at the hearing.

The Sub-Committee heard representations from the Licensing Officer on behalf of the Licensing Authority, and from the Applicant. Trading Standards did not attend the hearing but their written representations were considered by the Sub-Committee. A member of the public who raised objections to the application did not attend the hearing but their written representations were also considered by the Sub-Committee.

All of the parties and the Sub-Committee had the opportunity to ask questions of all other parties.

The Applicant satisfied the Sub-Committee that concerns relating to public nuisance would be negated by restricting delivery times, ensuring that delivery drivers turned their car engines off when not in motion and by asking customers collecting orders to park in a nearby car park rather than on the residential road. These matters have been secured by appropriate conditions.

Furthermore, the Sub-Committee was satisfied by a condition to ensure that alcohol would only be available by being pre-ordered as part of a food order.

In relation to the concerns raised regarding the prevention of crime and disorder, the Sub-Committee did not accept that the storage of alcohol at the Applicant's premises would lead to an increase in burglaries or that granting the application would impact on the safety of women. Therefore, the Sub-Committee did not feel that any further steps were required to promote the Licensing Objectives, beyond the conditions outlined above and in the attached annex.

The Sub-Committee was therefore satisfied that, subject to the imposition of the conditions outlined, this application promoted the licensing objectives.

In coming to its decision the Sub Committee did NOT take into account the parking concerns raised by a member of the public, which were beyond the jurisdiction of the Sub-Committee.

The Applicant is reminded that failure to comply with a condition is a criminal offence.

Interested Parties and Responsible Authorities may apply for a review of the licence in the future should there be any concerns about the operation of the licence.

Finally, all parties have a right of Appeal to the Magistrates' Court within 21 days of the date of this decision notice.

## **OTHER CONDITIONS**

**(New, amended and deleted conditions consistent with the operating schedule)**

### **NEW CONDITIONS:**

- 1) No alcohol will be delivered after 23:00 hours on any day.
- 2) Alcohol will only be sold as part of a food order that has been pre-ordered.
- 3) Delivery drivers operating from or on behalf of the premises shall not leave their vehicle engines running or idling at any time when not in motion and/or parked in the vicinity of the premises or customer address.
- 4) Any customer collecting an order shall be reminded to park in a nearby car park and be considerate of local residents near to the premises.